

**EXECUTIVE AND RESOURCES
POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 27 March 2013

Present:

Councillor Eric Bosshard (Chairman)
Councillors Douglas Auld, Nicholas Bennett J.P.,
Ruth Bennett, Judi Ellis, Will Harmer, Brian Humphrys,
William Huntington-Thresher, Russell Mellor (Vice-
Chairman), Nick Milner, Ernest Noad, Sarah Phillips,
John Getgood, Tom Papworth and Ellie Harmer

Also Present:

Councillor Graham Arthur, Councillor Stephen Carr and
Councillor Richard Scoates

**308 APOLOGIES FOR ABSENCE AND NOTIFICATION OF
SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor Ruth Bennett, who arrived late due to another meeting.

309 DECLARATIONS OF INTEREST

There were no declarations of interest.

**310 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE
PUBLIC ATTENDING THE MEETING**

No questions had been received for the Committee.

**311 MINUTES OF THE EXECUTIVE AND RESOURCES PDS
COMMITTEE MEETING HELD ON 31ST JANUARY 2013
(EXCLUDING EXEMPT ITEMS)**

RESOLVED that the minutes of the meeting held on 31st January 2013 (excluding exempt information) be confirmed.

312 MATTERS ARISING FROM PREVIOUS MEETINGS
Report RES13052

The Committee received an update on matters arising from previous meetings.

313 FORWARD PLAN OF PRIVATE AND KEY EXECUTIVE DECISIONS

The Committee received the latest version of the Forward Plan of Private and Key Decisions.

314 CONTRACTS REGISTER

The Committee received the latest version of the Contracts Register covering (A) contracts with a value above £50,000 in the Resources Portfolio, and (B) all Council contracts over £200,000. The Chairman commented that officers needed to ensure that the process of tendering was started at an early enough point.

315 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING

Two questions had been received from Councillor Tom Papworth – these are set out in appendix 1 to these minutes.

316 RESOURCES PORTFOLIO - PRE-DECISION SCRUTINY

The Committee considered the following reports for pre-decision scrutiny where the Resources Portfolio Holder was minded to take a decision.

316.1 CAPITAL PROGRAMME MONITORING Q3 2012/13 & ANNUAL CAPITAL REVIEW 2013 TO 2017
Report RES13068

At its meeting on 6th February 2013 the Executive had agreed a revised capital programme for the five year period 2012/13 to 2016/17, including changes affecting the Resources Portfolio. These were re-phrasings into 2013/14 and inclusion of new investment for replacement of business-critical storage area networks.

RESOLVED that the proposed changes to the capital programme be supported.

316.2 LOCAL WELFARE REFORM (BROMLEY WELFARE FUND)
Report RES13065

The current system of Community Care Grants and Crisis Loans would be largely transferred from the Department for Work and Pensions (DWP) to local authorities in April 2013. While elements of the Social Fund that lent themselves to simple automated delivery would be incorporated into Universal Credit administered by the (DWP), elements of the fund requiring more intensive scrutiny would be devolved to local authorities. The report set out proposals for a Bromley Welfare Fund at appendix 1, with the corresponding impact assessment at appendix 2. Given the limited data available about past

recipients of awards and potential claimants the scheme proposed closely resembled that operated by the DWP. Once established, the scheme would be reviewed to ensure that it reflected the needs and pressures of people in Bromley.

The Government had largely given local authorities a free rein over how payments would be made, but wherever possible purchase cards would be used, limiting the recipient to the item for which the payment was made. This would usually be electrical appliances or furnishings – one-off crisis purchases rather than on-going living expenses. Emergency payments could also be made to bank accounts or paypoint machines. Payments would be grants rather than loans – the DWP had found that the cost of recovering loans was excessive. Officers had been in contact with local foodbanks about the new system, although they had not had a full response. A Member expressed concern about allowing payments for emergency house repairs for owner-occupiers, stating that homeowners should insure their properties, but it was clarified that other sources of funding would be explored and this would only be for vulnerable people in very limited circumstances.

RESOLVED that the proposals be supported.

317 HOLDING THE CHIEF EXECUTIVE TO ACCOUNT

Doug Patterson, the Chief Executive, attended the meeting to update the Committee on the headline issues that he was dealing with and to answer questions. Since he had last appeared before the Committee in September 2012, the 2013/14 budget had been put together and approved, including some savings taken earlier than required. Public Health was just about to formally join the Council - he considered that the Council's strategy in bringing in Public Health early had been successful. Kings College Hospital NHS Foundation Trust's role in running the Princess Royal University Hospital (PRUH) would be a crucial issue for the borough and close cooperation with health services was required. Kings were currently in negotiation with the Department of Health – Mr Patterson understood that their intention was to develop the PRUH as a centre of excellence rather than to seek cut-backs. There were discussions with local partners about achieving the most effective use of property assets, and Kings would be involved in this in future. Changes to local terms and conditions for Council staff were going well, with 2,900 staff (about 80%) accepting the new contract. A 45 day consultation would be launched in April with the remaining staff who had refused the new contract or not responded (about 500). Staff could eventually be dismissed and re-engaged; however, this would not affect their employment rights and continuity of service. Staff would not be made redundant as part of this process. Other imminent changes included the Westmoreland Road redevelopment, which was due to start the following week, and significant benefits changes which were also coming into effect with the new financial year.

The Council's role in the coming years would be dependent on overcoming the financial challenges – identifying new sources of income, using baseline

reviews to identify what services would continue to be provided, and seeking value for money in how services were delivered. Some minor changes to officer structures had been put in place to help to drive this. Mr Patterson anticipated providing Members with detailed information on baseline reviews and value for money investigations in the summer. The Chairman urged him to involve Members at the earliest possible stage, and to use the expertise of the PDS Committees. The Chief Executive acknowledged the vital role that PDS Committees would have, and urged them to focus on corporate priorities.

Questioned about the impact of Local Authority Central Spend Equivalent Grant (LACSEG), the Chief Executive confirmed that, with the government withdrawing more funding than schools previously received there was an effect not only on the Council's budgets but on the Council's role in education. Although some statutory responsibilities remained, the role of Councillors in education was likely to be increasingly as advocates on behalf of their residents. Some Members suggested that, as academies reported to the Secretary of State there might be a role for MPs but not for Councillors. Mr Patterson clarified that Members would indeed have to work with MPs, but they would have to adapt to a new environment where they had no direct control but had important roles as community leaders, holding other agencies to account.

Looking further ahead, Mr Patterson envisaged the Council becoming a smaller organisation, providing fewer services directly and relying more on partnerships and the voluntary and community sector. Councillors would have important responsibilities in awarding and monitoring contracts, but, as with education, they would have to adapt to a new role involving less direct control.

Councillor Nicholas Bennett reported that the Education PDS Committee, which he chaired, had considered an Internal Audit report on their part 2 agenda, which he hoped could be made public at the appropriate stage. However, he felt that there was a need for a protocol or guidance on when these reports could be published. The Chief Executive agreed to consider this and take legal/HR advice.

The Chairman thanked Mr Patterson for attending.

318 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS
Report RES13053

The Committee considered the following reports on the agenda for the meeting of the Executive on 3rd April 2013.

(5) The Armed Forces Covenant
Report RERS13072

It was proposed that the Council agree to enter into the Armed Forces Covenant and that the Mayor host a ceremony for the signing of the Covenant. A Member referred to the recent unfavourable headlines in the local press about housing for a former soldier; the coverage had been

unfair, but he suggested that the Council should have been sharper in its response.

RESOLVED that the recommendations be supported.

(6) Budget Monitoring 2012/13

Report RES13069

The Committee considered the fifth budget monitoring report for 2012/13, representing the position based on expenditure and activity levels up to the end of January 2013, showing a projected net underspend of £3,580k. The report included a number of recommendations to release funds from central contingency.

RESOLVED that the recommendations be supported.

(7) Future Role of the LA in Education Services

Report ED13032

Following the adoption by full Council of a new set of parameters for its work with schools, the Education PDS Committee and Portfolio Holder had considered a report summarising the Council's future relationship with schools, which was encapsulated in an Education Covenant.

The Chairman of the Education PDS Committee reported that there was now an updated version of the Education Covenant, together with some further information about the Council's statutory responsibilities – he requested that this be circulated. He also commented that the Council needed to stop carrying out unnecessary equality impact assessments.

The Committee discussed the implications of academies for the role of Councillors. Some Members were concerned that they would not be able to act as champions for the community when academies reported to the Secretary of State and not the Council. Others recognised an opportunity to act as advocates for parents and the community, with more information having to be published, and without being compromised by owing an allegiance to schools, in the same way that Councillors could speak up for housing association tenants.

RESOLVED that the recommendations be supported.

(8) Invest to save Bid – Training Statemented Pupils to Travel Independently

Report CS12081

The report summarised an Invest to Save bid of £100,000 to finance the training of young people to travel independently rather than use specialist Council transport. Members supported the bid, although it was noted that the report had not been considered by the Education PDS Committee.

RESOLVED that the recommendations be supported.

(9) Commissioning Team Programme Budget

Report DRR13/043

The Committee considered a report outlining the governance and funding arrangements for the Council's Commissioning Programme and recommending the draw down of funding of £300,000 from central contingency. Councillor Graham Arthur, Resources Portfolio Holder, who was the Lead Portfolio Holder for the programme, reported that the Commissioning Executive Team was meeting regularly to drive the work forward, and emphasised that final decisions would be made by Members.

The Chairman appealed for there to be fixed targets and milestones set for the project, and for the expertise of PDS Members to be utilised at an early stage. This point was supported by a number of other Members. It was confirmed that PDS Chairmen would be involved in the work of the Commissioning Board, and PDS Committees would examine proposals before executive decisions were taken. It was recognised that there would need to be some flexibility and special PDS meetings might be required.

The Chairman of the Education PDS Committee reported that the Education Budget Sub-Committee was to receive two of the seven education reports, but he requested to be informed when the remainder would be available. Detailed information on the stages and target dates would be supplied.

Members asked why Peopletoo had been selected to provide consultancy support for the programme. The Committee was informed that the company had excellent experience in working with local councils of various sizes and, having previously worked for Bromley, had an exceptional understanding of Bromley. Members were also assured that the money available for the project would only be spent if needed.

RESOLVED that the recommendations be supported.

(10) Localism Act 2011: Community Right to Bid

The Localism Act 2011 had introduced the Community Right to Bid, which came into effect in September 2012. The report outlined the procedures proposed to administer the scheme and to ensure compliance with the Assets of Community Value (England) Regulations 2012. The Act enabled local groups to nominate buildings and land as assets of community value; once an asset was listed by the Council the owner would not be able to dispose of it without informing the Council, which then had to inform the community group. The group then had six weeks to decide whether to bid for the asset; if they decided to bid the owner could not dispose of it to any other party within six months of the notification of the intention to sell. One unintended consequence of the Act was that development could be hindered and frustrated.

It was noted that the proposed arrangements contained no role for Members – officers would seek legal advice on the possibility of including Members, perhaps in considering appeals.

RESOLVED that the recommendations be supported.

(11) Crystal Palace Park – Parks for People Application and Procurement Strategy

Report DRR13/048

The Greater London Authority had committed £2m to support capital regeneration of Crystal Palace Park with the intention that this would be used to lever in additional funding for the Park. With the support of the Crystal Palace Park Executive Board, a successful pre-application enquiry had been made to the Heritage Lottery Fund to seek grant funding of about £5m to develop and deliver regeneration projects and activities in the Park. It was also proposed that the Council commit £50k from capital receipts to appoint specialists to support the application.

It was confirmed that the Executive Project Board included a number of Members, including the Leader, who was the Chairman, the Portfolio Holders for Renewal and Recreation and Environmental Services and representatives from local wards. The Board was supported by a number of different stakeholder groups. Councillor John Getgood, who sat on the Board as a Ward Member, expressed support for the proposals, but urged the Council to be more ambitious in seeking investment for the Park.

RESOLVED that the recommendations be supported.

319 COMMUNICATIONS POLICY

The report set out an overarching policy for Council staff, including teachers, covering all forms of communication, both internal and external, including the internet, email and social networking. Members commended the brevity and comprehensiveness of the document, but commented that the position of Councillors was different to that of employees, so the reference to the policy applying to Councillors should be removed. Councillor Nicholas Bennett suggested that this aspect could be considered by the Constitution Improvement Working Group.

RESOLVED that, subject to removal of reference to the policy applying to Councillors in paragraph 3.3, the policy be referred to General Purposes and Licensing Committee for approval.

320 REPORT OF THE LOCAL GOVERNMENT FINANCE WORKING GROUP

In July 2012 the Committee had set up a working group to examine the Council's financial situation and outlook. The Working Group, chaired by

Councillor Eric Bosshard, had now produced its report and made three recommendations on (i) new business development, (ii) becoming a commissioning authority, and (iii) disposal of surplus properties.

On the issue of new business development, the Working Group had taken evidence from GL Hearn on the study they had carried out on the potential for new business parks in the borough. They had come to the clear conclusion that a single new site in Bromley could not be viable, and suggested focusing on enhancing the existing activity in Bromley Town Centre, the Cray Valley and Biggin Hill Airport. Councillor John Getgood added that GL Hearn had not been asked to look at Penge, and he suggested that there was potential for business development in his ward. It was emphasised that the three areas identified by GL Hearn, while important, were not the only areas that could see business development. Members noted the pressure to convert office space to residential, but considered that there was still potential to provide more and better quality offices in Bromley town centre in particular. This would be assisted if there was progress towards getting the DLR extended from Lewisham. Councillor Nicholas Bennett requested information on how many people came into the borough to work.

The Leader commented that Bromley had a great deal of potential – it was regarded as a good place to live, had a good record for business start-ups and a highly skilled workforce.

Councillor Bosshard called for urgent action in response to his report and in particular for a business development team to be set up to actively pursue the opportunities for development, taking advantage of the Council's reserves to invest effectively. The Chief Executive responded that he would take this up with Directors.

RESOLVED that the report of the Finance Working Group be approved and referred to the Executive for consideration.

321 ANNUAL PDS REPORT
Report RES13056

The Council's Constitution required that a report was made each year to full Council summarising the work of PDS Committees. The Committee considered the report for 2012/13, which included contributions from all PDS Chairmen.

The Committee discussed the role of the street enforcement contractor, XFOR, which had recently gone into receivership and been bought by another company.

It was noted that there was a typing error in paragraph 9.9.

RESOLVED that the 2012/13 Annual PDS Report be approved for submission to full Council.

322 BRIEF UPDATES FROM PDS CHAIRMEN
Report RES054

The Committee received updates from PDS Chairmen on their Committees' recent work.

323 WORK PROGRAMME
Report RES13055

The Committee received an update on its work programme.

As this was the last meeting in 2012/13, the Chairman thanked Members and officers for their hard work throughout the year.

**324 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION)
(VARIATION) ORDER 2006, AND THE FREEDOM OF
INFORMATION ACT 2000**

RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters
involving exempt information**

**325 EXEMPT MINUTES OF THE MEETING HELD ON 31ST
JANUARY 2013**

The exempt minutes from the meeting held on 31st January 2013 were confirmed.

**326 PRE-DECISION SCRUTINY OF EXEMPT RESOURCES
PORTFOLIO HOLDER REPORTS**

The Committee scrutinised the following proposed decisions of the Resources Portfolio Holder.

326.1 Welfare Reform

Members considered changes to the Liberata contract in recognition of additional service requirements.

326.2 Cleaning And Out Of Hours Security Contract Extensions

The Committee supported proposals to extend these contracts and then re-tender.

326.3 Isard House, Glebe House Drive, Hayes

The Committee considered revised offers for the purchase of this property.

326.4 Beaverwood Depot, Beaverwood Road, Chislehurst

The Committee considered a proposal to declare this site surplus to requirements and options for its disposal.

327 PRE-DECISION SCRUTINY OF EXEMPT EXECUTIVE REPORTS

The Committee scrutinised reports on the Executive's part two agendas for the scheduled meeting on 3rd April 2013 (concerning the Award of Contract for Care and Support Services in Supported Living Schemes) and the special meeting on 28th March 2013 (concerning Opportunity Site K, Westmoreland Road, Bromley.)

The Meeting ended at 9.31 pm

Chairman

Appendix 1

Questions from Councillor Tom Papworth

(1) To Cllr Graham Arthur, Resources Portfolio Holder

To ask the Portfolio Holder for Resources, in the light of recent information provided to this committee stating that c.10% of the Civic Centre site is devoted to the storage of files and documents, if he can provide a figure for how much it costs per annum for the London Borough of Bromley to store files/documents?

Reply -

For clarification, the recent information provided an approximate estimation of storage/ filing space for the areas affected by the moves, rather than the Civic Centre site as a whole.

It is not possible to assess the precise costs of space occupied by storage/ filing as a detailed analysis of storage space on the site as a whole has not recently been undertaken, and:

- The space analysis for the Civic Centre breaks down buildings into occupiable space and non occupiable space (e.g. circulation, toilets). Occupiable space includes storage, but the *precise* amount of occupiable space used for storage/filing has not been assessed.
- The amount of storage/ filing space differs in each building and an analysis of each building would have to be undertaken to identify the percentage area taken up by storage. Using this information a percentage figure would then have to be calculated for the Civic Centre as a whole
- Civic Centre costs are available, but they are not broken down into individual buildings
- The Civic Centre costs include the costs of Joseph Lancaster and Ann Springman for the period in which they were open

Based on an estimation that approximately 10 -15% of the site is taken up by storage/ filing, if the running cost for the Civic Centre is apportioned this amounts to £200,000 - £300,000 for the financial year to date. This figure will include costs for the buildings that closed part way through the year and should be reduced in the next financial year.

This can only be a notional figure and does not necessarily represent a saving that could be made if all filing and storage was removed from the Civic Centre site.

As a supplementary question, Councillor Papworth thanked the Portfolio Holder for his detailed response and asked what measures were in place to reduce storage. Councillor Arthur responded that there was an accommodation review and an asset management group looking at these issues to consider how property could be used most efficiently and costs minimised.

(2) To Cllr Stephen Carr, Leader of the Council

Following the decision to make redundant the post of Technical Officer - Pest Control, what mechanisms will be put in place to ensure that the London Borough of Bromley can adequately investigate and prosecute cases where a landlord is not meeting their requirement to deal with vermin infestation?

Reply -

The Public Protection Service budget savings proposals for 2013/14 included the loss of 0.5 fte Technical Officer (Pest Control and Drainage). The duties of this officer had been taken over in part by the Thames Water Authority service. The remaining duties and responsibilities including those relating to the *investigation and prosecution of cases where a landlord is not meeting their requirement to deal with vermin infestation* will be absorbed by the Public Health Nuisance team. No reduction of service is envisaged.

As a supplementary question Councillor Papworth stated that Affinity Sutton had been incorrectly informing their tenants that dealing with rat infestation was their responsibility. The Leader responded that if Councillor Papworth could send him the details he would take this up with Affinity Sutton.